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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,684	01/23/2004	Tsung-Tien Kuo	930074-2032	7478

20999 7590 09/09/2005
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NEW YORK, NY 10151

EXAMINER

AHMAD, NASSER

ART UNIT PAPER NUMBER

1772

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/763,684	KUO ET AL.	
	Examiner	Art Unit	
	Nasser Ahmad	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Drake (5376205).

Drake relates to a note pad comprising a plurality of note sheets stacked one above the other (figure-1). Each of the sheets having a bottom surface and a perforated tear line (10) that divides the sheet in to an inscribing portion and a stub portion. A layer of low tack adhesive (210) is located on the bottom surface and adjacent the tear line. The low tack adhesive is understood to be repositionable. The stub portion remains intact and has adhesive (22) or binder ring (1) thereon (col. 7, lines 23-28). The tack of the adhesive would in pressure sensitive adhesive. As shown in figure-3, each sheet is divided into a plurality of plies such as P, OS and US. The ply P can function as a partition sheet that separates the two adjacent plies of US and OS. The presence of additional sheet in the stack would comprise as the panel that is adhesively bonded to note sheet. The hole for receiving the ring binder would function as pen receiving hole.

The intended use phrase such as "so as to facilitate", "so as to permit", etc. have not been given any patentable weight because said phrase are not found to be of positive limitations.

3. Claims 1-6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Drake (4934740).

Drake relates to a note pad (figure-1) comprising a plurality of sheets (1) having a bottom surface with adhesive located adjacent a tear line (5). An adhesive and ring binder binds the spine part together intact as a stack. The adhesive is low tack which is known to be repositionable and pressure sensitive adhesive. The sheet is divided into a plurality of plies with a central ply separating the two adjacent plies. The central ply can be a carbon paper and hence of different color than the other plies. The presence of additional sheet in the stack would provide the function of panel that is bonded to the sheet stack.

The intended use phrases have not been given any patentable weight for reasons discussed in the previous paragraph hereinabove.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drake (5376205 or 4934740) in view of Fischer (3334921).

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Drake, as discussed above, fails to teach that the panel underlies the lowermost of the sheet in the stack and includes a vertical portion and a top lateral portion that overlies the stub portion. Fischer relates to a stack of sheets in a pad form. As shown in figure-5, the pad has a panel (14) that underlies the lowermost sheet in the stack, a hinge (20) and an overlying panel (20) that overlies the stub portion. Therefore, it would have been obvious to one having ordinary skill in the art to utilize fischer's teaching of using a panel that underlies and overlies the stack and is connected by a hinge located along the stub portion in the invention of Drake'205 or 740 with the motivation to provide protection to the stack of sheets.

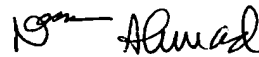
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad 9/5/05
Primary Examiner
Art Unit 1772

N. Ahmad.
September 5, 2005.